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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946

COMMISSIONER:

Colonel A M S Neave

16, July 1946

POLITICAL LEADERS

COLONEL NEAVE: I understand your position is that you have twenty-three affidavits which you wish to submit regarding the function of the lower office holders in the corps of political leaders.

DR. NATH: Only block and zellenleiters.

COLONEL NEAVE: In order to make the record clear will you begin by reading the first four paragraphs of your summary, which begins with: "They only concern" and goes on to "ortsgruppenleiters and kreisleiters, respectively." Do you see that?

DR. NATH: Yes, I do.

COLONEL NEAVE: Will you ask him to read that and make the record clearer?

DR. NATH: I shall submit twenty-three affidavits. "They only concern themselves with the lowest office holderswithin the corps of political leaders, that is with the block and zellenleiters. I should like to say that the affidavits which have been received by the defense

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come from the territories from Southern Germany, Western Germany and Northern Germany. Two affidavits refer to Berlin, one to Dresden and Saxony and one to Thuringia. Within these territories there are other affidavits from different cities, including two smaller towns in _____ and _____. I shall submit two affidavits concerning block and zellenleiters that have been given by ortsgruppenleiters and a kreisleiter, respectively."

COLONEL NEAVE: Now the first affidavit mentioned in your list you want to be fully translated, is that right?

DR. NATH: Yes, if I may.

COLONEL NEAVE: For the benefit of the Prosecution I wonder if you would tell us very shortly ~~of~~ the contents of the affidavit and what it is you intend to prove by it?

DR. NATH: The affidavit is supposed to show the position and the functions that were carried out by the block and zellenleiters and talks about these in detail and shows further that the block and zellenleiters were usually civil servants of the lower and medium grades. They either were teachers or small business people but there were also some who were in higher social positions. The affidavit is supposed to show that the block and zellenleiters had nothing to do with politics, that is, with the carrying out of politics, or with giving political instructions. The organization/chart of the party was not known to the witness,

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who, himself, was a blockleiter before May, 1946, when he saw it for the first time. The organization group was unknown to the blockleiter. The blockleiter did not by any means want to make themselves laughed about by carrying out short sighted propoganda and trying to spy on the people or by carrying out spying service over the people and inform against them. It was impossible for one of these officers to retire from his office without a very good reason. For example, it was not possible for him to retire from his office by saying for example that he was against aiding the Jewish murders. That would have been considered an affront to the party and he would have been excluded from it.

COLONEL NEAVE: Dr. Nath, do you want to have any other affidavits translated on this subject?

DR. NATH: Yes, Document No. 6.

COLONEL NEAVE: This is pretty comprehensive, isn't it?

DR. NATH: The first one, yes.

COLONEL NEAVE: And this covers all of the points your witnesses have already testified to before the Commission?

DR. NATH: Yes.

COLONEL NEAVE: I feel that if you have this fully translated it will tell them everything that can

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possibly wish to know. What is the special point of No. 6, for example? What is there in it?

DR. NATH: Affidavit No. 1 was given by a blockleiter who became such during the war and No. 6 is given by a blockleiter who held his office from 1925 to 1938, and for this reason alone there is a slight difference in the functions.

COLONEL NEAVE: I see. Well now, we have some other affidavits to consider before we get to No. 6, which will be summarized, so let's decide on No. 6 when we come to it. Now, has the Prosecution any comments on this? It is a very full and comprehensive account of the blockleiters and repeats most of the main questions previously brought up before the Commission, but We have the agreement that in certain cases we will fully translate these affidavits, and they will be circulated to the Tribunal and to the Prosecution. My first question is do you want to object to it on the grounds of its relevancy, and secondly, whether you object to it's being fully translated?

MR. BARRINGTON: I don't think there is any objection on the ground of relevancy, and so far as it's being translated in full is concerned, I think it is more or less cumulative and the question is whether it ought to be translated in full.

COLONEL NEAVE: I think the question of cumulative evidence has been decided so far as we are concerned, as follows. We are supposed to give the defense an opportun-

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ity to cover as wide and representative a field of evidence as possible, providing we avoid actual repetition ~~here.~~ Unless it is a repetition of actual facts we can allow them to give evidence from different parts of Germany who state more or less the same thing ~~with regard to the evidence~~. So in this case we ~~are~~ will allowing a full translation of this affidavit which relates to most of Germany ~~and~~ We are only reading into the record extracts from the evidence and in this respect I think we can disregard what would be otherwise cumulative evidence. So, if you have no objection we will admit this affidavit to be fully translated. That is my interpretation of ~~the~~ cumulative evidence so far as these affidavits are concerned and we have adopted that during the course of these hearings. Obviously, there are cases where actual repetition of facts occur which is quite different.

MR. BARRINGTON: I don't have any objection at all.

COLONEL NEAVE: Now, I think we can go ahead and admit this affidavit as "Corps of Political Leaders No. 1", ~~and~~ Will you arrange with Dr. Link ~~???~~ to follow on with the next document number in sequence, as I understand Dr. Link ~~????~~ will present other affidavits ~~documents~~ and you will follow on with the numbers so far as sequence of them all is concerned?

DR. NATH: Yes.

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COLONEL NEAVE: Now, No. 2.

DR. NATH: Affidavit No. 2 was given by a Chief Criminal Secretary, retired, Kaspar Volk from Munich. He was a zellenleiter from the 15th of March 1938 to 1945. The witness depicts that his application for membership in the party was refused at first for the reason that he was politically unreliable, but in spite of this he was later appointed zellenleiter. On taking over office he was told that he would have nothing to do with political matters but would only have to collect and see that the dues of the party were properly handed in. He continues to say the same thing is true of the block-leiters and of the zellenleiters and that they were under similar circumstances forced more or less to take over this office. I had the same impression also of the other block and zellen-leiters, of whom two-thirds were mostly smaller civil service employees and other employees. A refusal to take over this office would have meant that a disciplinary action would have been taken against them, and officials or civil servants of a family could not afford to have this happen.

COLONEL NEAVE: He says "would have meant", does he say here that that ever actually happened; that they ever had actually to go before a disciplinary court?

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Here is the question I want to know, Dr. Nath: Does this affidavit give any ~~ex~~ evidence ~~where~~ that people ~~go~~ went before disciplinary courts for punishment?

DR. NATH: No, this witness only states his opinion. He says that a disciplinary action threatened him, he doesn't say any more than that.

COLONEL NEAVE: In other words, it might have happened?

DR. NATH: Yes.

COLONEL NEAVE: That is what we want to know anyway. I don't think there is anything else in this affidavit we want to read.

~~XXXXXXXXXXXXXXXX~~ DR. NATH: Yes.

COLONEL NEAVE: What is that? Wait a minute, Dr. Nath, do you think there is anything else, does it show the definition of "hoheitstager"?

DR. NATH: No, I ~~don't~~ believe that the definition is included in affidavit No. 1.

COLONEL NEAVE: It does say something like that. You are surely going to have to submit an affidavit which covers in considerable detail a witness' views of what is meant by Hoheitstager and the people who were designated as such. You are going to ~~have to~~ have that?

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DR. NATH: No, considering this point it isn't necessary. I should only like to point out that the witness says it is wrong to say that block and zellenleiters had police and exedutive powers towards the population.

COLONEL NEAVE: I don't see any objection to your reading on page four, beginning with the word "hoheitstager" on page 5, but I don't think you need read any more because certainly other witnesses are going to say this in detail, so will you read those two sentences?

DR. NATH: The witness says "Only an ortsgruppenleiter can be termed as the lowest hoheitstager functionary and he also was considered by the population as a hoheitstager. It is claimed that block and zellenleiters had police and executive powers over the population, which likewise is incorrect."

COLONEL NEAVE: Have you any comments on that?

MR. BARRINGTON: No.

COLONEL NEAVE: This affidavit will be admitted as corps of political leaders No. 2, and the summary is now in the record.

DR. NATH: The next witness covers a job of employment by profession of a blockleiter in Nurnberg for eight years, and this affidavit shows under No. 2 a summary of the position of the blockleiters to the counts of the indictment of crimes against peace and law and war and humanity. The witness declared that the blockleiters had nothing

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to do with these crimes and had no hand in them.

COLONEL NEAVE: I think that is all we need on this one. There is nothing more in it. That then will ~~xxxxxx~~ become "Corps Political Leaders No. 3". Wait a minute before we have this translated. I don't see that it is necessary to read the whole paragraph in regard to espoinage. I should have thought the next paragraph with regard to the inhabitants who were affected by the duties of the blockleiters was much more important. That is as to the inhabitants of the block. I think we have dealt with this espoinage question and you can have the preliminary statement that you read out in regard to the position of the blockleiters. That may stay in the record, but the German Court Reporter will please strike out the paragraph with reference to ~~the German~~ espoinage, because I don't think we need have that in. Strike out the whole ~~thing~~ passage because we don't want particularly to bring ~~this~~ that to the attention of the Tribunal, but I am interested in the freference to the inhabitants of the blocks.

DR. NATH: Yes;

COLONEL NEAVE: I think to make the thing easier you had better read out the preliminary part regarding the position of this blockleiter.

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DR. NATH: Affidavit No. 4 was given by a blockleiter from a small country town with 2,000 inhabitants in Franconia. The name of the town is Hilpoltstein and the witness was a dairy??meister by profession and was a blockleiter for almost ten years, from November 1935 until 1945, and formerly the witness had been an adherent of the democratic party in Germany and a member of the free trade union??? and he depicts at first for what reason he did not enter the National Socialist party and then designates his duties as blockleiters as follows: Collecting the dues.

INTERPRETER: Counsel did not read the next part.

COLONEL NEAVE: I think it is quite unnecessary. I think we have got quite enough by way of introduction to the affidavit with that. Now then the next part is stricken out of the German record. That is the paragraph with reference to espoinage activities which we have already had, and the following paragraph here is of some interest in showing the numbers of persons involved in the blocks, and their function, and I think we should have that read.

DR. NATH: Shall I read the paragraph beginning with the top of page 7?

COLONEL NEAVE: I think you can go as far as the top of page 7 and not any beyond that.

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DR. NATH: Concerning the population files the witness says that about fifty to sixty householders comprising about 150 to 200 persons belonged to one block, for which he had to keep the population file. I quote: "The population files or inhabitant files contained names, personal information, information concerning professions, addresses, information concerning party membership, its facilities, organizations or associations, but I should like to emphasize expressly that no reports or notes whatsoever were contained in the population files concerning political atttitudes or other information or estimates that would have been of value in this respect. I kept my files openly, that is, any one could look into it. For example, if additions have to be made to the files I took along the file page to the household concerned and made my entries before every one's eyes."

COLONEL NEAVE: ANy objection to that?

MR. BARRINGTON: No objection.

COLONEL NEAVE: That seems to be the main point that we have shown on the record.

MR. BARRINGTON: Agreed.

COLONEL NEAVE: Is the Court Reporter getting the names of these witnesses?

INTERPRETER: I amwriting them down for her.

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DR. NATH: I now turn to the different territories in Western Germany. It might be important here to mention the report concerning the feeling and sentiments as a report was supposed to be handed in by him.

COLONEL NEAVE: Where is that?

DR. NATH: (Exhibiting document to Colonel Neave)

COLONEL NEAVE: I don't think we need to hear that. There is still the same reference to spying and espoinage and I don't think we need that. You might read from "each month" down to "injustice." Have you got that?

DR. NATH: Perhaps as far as the word "_____"

COLONEL NEAVE: I see what happened. ~~In the original you have left out some words.~~ Actually, ~~it is~~ the words are in the original and has been left out of the summary. This is the passage relating to the reports of the blockleiters which they make each month.

DR. NATH: The witness, who was a block and zellenleiter in Weisbaden emphasizes the following: He had to make each month a report concerning personal opinion in the block and in the zells concerning any irregularities, concerning the distribution of clothing, food or coal, or about any other alleged injustice. He goes on to say that each member or each person was able to voice his opinion freely. May I read the first paragraph on page 8?

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COLONEL NEAVE: Where is it? There is nothing new in that. It merely says they had no political influence.

DR. NATH: On legislation, it has been claimed that they also had influence on legislation.

COLONEL NEAVE: Well, this is saying they had no influence on legislation?

DR. NATH: No.

COLONEL NEAVE: But apparently they were not engaged in political and military ~~intentions, and, therefore,~~ activities. It is not necessary.

DR. NATH: Yes.

COLONEL NEAVE: I don't think that should be given.

DR. NATH: I mx am in a very difficult position. The lowest officeholders have been indicted in the very same manner, as, for example, the gauleiters have been indicted, and the block and zellen leiters too have to justify or make statements concerning the indictment and as far as I gather from the affidavits, from what they have told me, they unanimously say that they made a very clear distinction between the higher leadership and themselves.

COLONEL NEAVE: We have already had evidence from the blockleiters and zellenleiters to the effect that they had no influence on politics or legislation. I want to have explained why that was so or why it was supposed to be so. Now, in this case this man is merely saying that in a couple of lines, a statement that anybody can make

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without any explanation ~~of~~ or any specific reasons for saying so.

DR. NATH: Yes, I will withdraw it.

COLONEL NEAVE: I don't think we need anything quite as general as that. Is there anything more from this affidavit?

DR. NATH: No.

COLONEL NEAVE: Is there any objection to that?

MR. BARRINGTON: No objection.

COLONEL NEAVE: Is truck out the last statement by the person who swears to ~~the~~ an affidavit, saying that the corps of political leaders ha~~ve~~d no influence on politics and ~~xxxxxxx then xxxxx describes~~ without saying why. I don't think we need that. Now, we come to No. 6 which is the one you wanted to be fully translated.

DR. NATH: If I may ask you to do so.

COLONEL NEAVE: Well now the principal point ~~you~~ we want, and correct me if I am wrong, which appears to me to be important in this affidavit is first: Were the block and zellenleiters ~~here too hoheifstagers?~~ also Hoheitstrager?

HOHEITSTRAEGER

DR. NATH: ~~No.~~ Yes.

COLONEL NEAVE: Had the blockleiters a staff? The other points I don't think we need to cover again. They are spying again, and a brief statement with regard to church and racial questions which are probably better dealt with by somebody in a responsible position.

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DR. NATH: Yes.

COLONEL NEAVE: I think so, but before I make a decision about translating this would you say if there is any other matter in it which you think is important?

DR. NATH: I would like to mention as to whether the blockleiter was superior to the ortsgruppenleiters in the political staff has been accepted by the Prosecution?

COLONEL NEAVE: I am sorry, but aside from that I see no reason why the whole affidavit should be translated.

DR. NATH: If you would just have the three points mentioned translated in this document.

COLONEL NEAVE: You can do either one thing or the other. You can either translate the whole affidavit or read short passaged into the record.

DR. NATH: Then I should like to have these points read into the record.

COLONEL NEAVE: You know this is quite good in away, because it answers quite a number of important questions quite clearly, and I am not sure I am not going to change my original view and have it fully translated, and I think by doing so we should probably save time in these proceedings.

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MR. BARRINGTON: I entirely agree with you. It looks to me to be very concisely worded.

DR. NATH: That is why I wanted to have the original document ~~ex~~ translated.

COLONEL NEAVE: My original objection was as to the duties of blockleiters and zellenleiters and questions as to espoinage and church relations here in this case which were not really worth translating, but I do think we should cover the question of hoheiftstagers, and the question of the staff of the blockleiters and his relation to the orts-gruppen staff. That would have to be read into the record anyway and it would take sometime, and since it is only four pages, I direct that the whole affidavit be translated.

DR. NATH: I am very grateful to you.

COLONEL NEAVE: May I look at this a moment?

DR. NATH: I just want one small point brought out here, distribution - and so on.

COLONEL NEAVE: Do you mean the reference to newspapers, wireless, and so forth?

DR. NATH: Yes, because this too has been repeatedly submitted to the witnesses.

COLONEL NEAVE: Do you agree with me, Prosecution.

MR. BARRINGTON: Yes.

DR. NATH: Yes.

COLONEL NEAVE: You may read from "affidavit"~~X~~ - I am speaking now from the summary, not from the original.

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DR. NATH: From the word "affidavit " as far as *

COLONEL NEAVE: Well the next two sentences are not very important, are they?

DR. NATH: VEry well. "Affidavit No. 7 was made by a certified engineer in Stuttgart, who had an office as blockleiter during the war from 1942 until 1944, and he says, among other things, concerning the keeping of the block files, the commission concerning membership in the party organization and other personal information such as is taken by any party or organization from its members, were ~~xxxxxx~~ contained in the block files. Besides this, there was also a common duty concerning itself with newspaper, radio and so on which was not filled in. The material for these files was collected by questioning the person concerned, that is, only in so far as the person wanted to give information.

COLONEL NEAVE: Any objection.

MR. BARRINGTON: No.

COLONEL NEAVE: The only thing I would like to say now is that I think we are surely informed as to these block files and we shall not go any further into this. Otherwise, that affidavit will be admitted as "Corps ~~xxxxxxx~~ Political Leaders" No. 7.

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DR. NATH: All right, the next affidavit, No. 8, was given by a city official who was fifty-eight years of age and who was a blockleiter at Mannheim from October 1928 until October 1945. I shall submit that affidavit because this witness gives a very comprehensive and detailed testimony concerning his duties as a blockleiter as far as Mannheim only is concerned, and this man gives a very minute description of the duties of a blockleiter within his sixteen years of service, and he depicts these duties in the very smallest details, beginning with the collection of dues and ending with the clearing of the snow from the streets. This is, in my opinion, a very typical declaration that might serve as a basis for other similar affidavits.

COLONEL NEAVE: Well, the only question is: Is this the best affidavit you have got of the blockleiters and zellenleiters? Would it make it worth while to translate it fully?

DR. NATH: Yes.

COLONEL NEAVE: You see most of these affidavits describe ~~xxxxxxxx~~ the duties of the block and zellen leiters in one way or another.

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DR. NATH: That is correct, Colonel Neave, but affidavit No. 1 concerns itself and very comprehensively with the position of the block and zellenleiters in general, whereas this affidavit concerns only and this very minutely with the duties in western Germany, in Mannheim, that is.

COLONEL NEAVE: ~~Really,~~ You are relying upon this affidavit to show conditions in Western Germany, is that the point?

DR. NATH: Yes, for this district.

COLONEL NEAVE: Statement No. 1 concerns Regensburg?

DR. NATH: Yes.

COLONEL NEAVE: This is an affidavit which is not very long. I think it is agreed we should take affidavits from people from all parts of Germany. Would you like to have anything more about the points in this affidavit?

MR. BARRINGTON: I don't see any necessity for hearing them all, as it appears there are different conditions in all parts off Germany, and it seems to me your original ruling was quite right.

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COLONEL NEAVE: This aspect of the question concerns a representation of the organizations in different parts of Germany of particular importance in the case of the political leaders. As far as the order goes in regard to whether it should be accepted, I don't see any reason to object to it. We will just admit it as translated in full as the Corps of Political Leaders No. 8.

DR. NATH: No. 9 is noteworthy for the following facts: This affidavit was made by a blockleiter from Mainz am Rhein, who was such during the war.

COLONEL NEAVE: Is this really relevant, doctor?

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DR. NATH: Yes. He says that he did not learn anything of the events in the concentration camp Dachau where his brother was interned. His brother, with whom he was on very good terms, did not tell him anything about his conditions and that alone would be sufficient proof that the Blockleiters could have no knowledge of events that occurred in concentration camps.

COMMISSIONER NEAVE: You say that because this man's brother did not tell him what was going on in Dachau that the Blockleiters as a whole could not have known about it. That is a somewhat wide implication, isn't it?

DR. NATH: It is proof of the fact that if no information could be gleaned from one's own brother, with whom one was on good terms, concerning facts in concentration camps, how much less could the rest of the population, who had no such connections, know of events in concentration camps.

MR. BARRINGTON: I think, sir, if you will allow me to say so, there has been so much evidence before the Tribunal itself on the knowledge of the population near the concentration camps, particularly those near Dachau, that if this evidence is regarded as having any probative value at all it would really be going to the point of a personal excuse, which is irrelevant.

COMMISSIONER NEAVE: Dr. Nath, in this connection I also wish to say that I had a long discussion with Dr. Pelckmann during a session of this Commission about two days ago. He was trying to say that if his witness had gone to the Gestapo and asked whether it was true that the Jews were being exterminated in Auschwitz and received a negative answer, that showed that the whole of the organization to which his witness belonged did not know about it; or rather, to be absolutely fair, he implied that other people would not have known about it or would not have believed the rumors, and I struck out that evidence altogether.

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But what I did admit was evidence which showed that the negative answer given by the Gestapo in another case, to inquiries as to whether atrocities were really being carried out, was retold to a very large number of people by the witness himself. Now while that did not prove that the whole of the organization believed in the answer of the Gestapo and therefore did not know that the atrocities were taking place, it was obviously much more admissible than a mere statement that because "A" asks "B" what the truth is and receives a negative answer that proves that the whole organization could not have known or been advised.

DR. NATH: As far as the witness treats of this question I shall withdraw the affidavit and it might be possible to include this affidavit in a general summary of about 8 affidavits at the end of the list.

COMMISSIONER NEAVE: Yes, but we have to draw a definite line between what an individual person heard from somebody else and what, according to one of your witnesses, was generally known or not known to be the case, so that it would not help your case if you were to produce a large number of affidavits, all of which described purely individual incidents. That would not help at all. But what would help would be if you could produce a witness who can tell us what in general was thought to be the case in his particular area or organization and, of course, if it is true, that the answer he received from an individual when he inquired was circulated by him in his district in the form of an instruction or order, such as applied in Dr. Pelckmann's case, then that evidence would be admissible. Has the prosecution any comments on that?

MR. BARRINGTON: I agree with the Commissioner.

DR. NATH: This affidavit also treats of other questions.

COMMISSIONER NEAVE: In that case, Dr. Nath, I think we should strike out reference to the concentration camp.

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DR. NATH: My intention was to summarize 8 affidavits at the end of the list, from various parts of Germany, covering testimony that has been given in other affidavits from other parts of Germany.

COMMISSIONER NEAVE: Well, we will consider that when we come to them. Now is there anything more about No. 9? Is there really anything in No. 9 in addition to the question of Dachau. Otherwise I don't see why we should admit that at all.

DR. NATH: Yes, there are more things in this affidavit. I shall mention them later.

COMMISSIONER NEAVE: Well we will hold that for the moment.

(A recess was taken.)

* * * * * * * * * * * * *

DR. NATH: The next affidavit was made by a carpenter, 47 years old, of Marienhagen in the District of Cologne/ Marienhagen is a small rural community with about 360 to 370 inhabitants, in which the witness was Cellenleiter from the 1st of April 1932 until the end of 1934. I consider this affidavit important because it says that during this time the Evangelical Church was, to say the least, on good terms with the Party organization. The witness mentions, among other things, that the minister of the neighboring community, for example, was a Party member and that in another church community the sister of the minister there was head of the Women's organization.

COMMISSIONER NEAVE: Wait a minute. I don't think that is relevant. Is that supposed to show that the Corps of Political Leaders was a God-fearing organization because a minister and a minister's sister belonged to the Party? We have had exactly this question with the SA.

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DR. NATH: If I may continue, it goes on to say something else. There are two sentences I should like to quote. The witness goes on to say that his first speaker in his Cell was a theologist from Bonn and that later, after the seizure of power by the NSDAP, he was given instructions by his Ortsgruppenleiter to exhort the people to take part in church services and that in case there were any larger church festivities or arrangements it was desirable to have them participate as a group.

COMMISSIONER NEAVE: Well that is much more to the point. I think we can strike out the question of which ~~parson~~ persons or sisters ~~of parson~~s were members of the organization. What you must try to show here is that the political leaders in carrying out their work did not persecute the church and did not allow religious opposition to take place in their particular districts, such as by encouraging church going on an official basis. I think that might ~~xxxxxx~~ be considered to be relevant.

DR. NATH: For the time, of course, that is mentioned here.

COMMISSIONER NEAVE: Yes, I think that will do. So will the court reporters strike out the reference to the minister of a neighboring community being a member of the Party and also the sister of another minister. Do you think it's important that the first speaker of the Cell was a theologian from Bonn?

DR. NATH: At the beginning of 1933-1934 conditions in the country were quite different from those as developed later on.

COMMISSIONER NEAVE: We will admit the rest of the affidavit with the exception of the reference that I have already made.

DR. NATH: I should like to have the sentence in the record beginning "After the seizure of power."

COMMISSIONER NEAVE: Yes, all right.

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DR. NATH: I shall now read for the record: "The first speaker in my Cell was a theologist from Bonn and at his request the former minister of Marienhagen spoke on the occasion of a meeting in his Cell without himself being a Party Member. After the seizure of power by the NSDAP I received instructions from my Ortsgruppenleiter to encourage the Party members to attend church services regularly and also that on the occasion of larger church arrangements it was desirable to have them participate as a group. Most of this actually happened."

COMMISSIONER NEAVE: Have you got in the record the date on which this is supposed to have taken place? You refer to the assumption of power but does this affidavit cover a wider period?

DR. NATH: No, I said at the beginning that the witness was Cellenleiter from the lst of April 1932 until the end of 1934 and that his testimony refers to this period.

COMMISSIONER NEAVE: The point is whether the reference to church going is to that period. That is what we want in the record.

DR. NATH. Yes. May I read one more sentence?

COMMISSIONER NEAVE: Where is it?

DR. NATH: (Reads another part of the Affidavit.)

COMMISSIONER NEAVE: (To Interpreter: Wait a minute before you translate that.) I don't think that is very important, Dr. Nath.

DR. NATH: It seems important to me for this reason: Conditions in the flat country were quite different from those in the cities. The people knew one another very well and therefore were not inclined to carry on any political excesses.

COMMISSIONER NEAVE: Well that hasn't any relation to the rest of the affidavit, I mean in regard to the Church question; that may be true of most rural communities but it doesn't relate to any of the rest of the evidence.

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I think that is too remote a statement altogether, Dr. Nath. For the benefit of the prosecution, it is merely a statement that the people are more spread out in the flat country than they are in towns and therefore their acquaintance is somewhat more remote and they do not commit political excesses. I think that is too vague a statement to read into the record and so we will strike that out, unless the prosecution want it in. Dr. Nath, I think it might be useful in certain cases to bring out the difference between conditions in town and country but expressly in relation to the charges made against the Corps of Political Leaders.

DR. NATH: And particularly concerning the responsibility of the Block and Cellenleiter in the country; the witness in his affidavit also mentions knowledge of the planning of war of aggression and other crimes that have been indicted.

COMMISSIONER NEAVE: Yes I know he does but that statement does not in any sense relate to what he says about aggressive war. If he could show that the charge of aggressive war against the Political Leaders was affected by the fact that people lived in town or country in some way, that would be different. As it stands this is much too remote although I think the difference between conditions in town and country might be an interesting point in certain cases.

DR. NATH: I shall prove this point by other affidavits.

COMMISSIONER NEAVE: That is Political Leaders Affidavit No. 10 then. We will admit that part about the church which has been read. The rest of it is struck out. Any comments?

MR. BARRINGTON: No comments.

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BY DR. NATH:

I should like to have the next affidavit translated in full for the following reason: During the interrogation of witnesses the Prosecution repeatedly submitted a document 0139 from the Gau Organization Office of the Gau Cologne/Aix-la Chapelle of the 31st of January 1941.

COMMISSIONER NEAVE: Wait a minute. You haven't the Tribunal number of that document, have you?

DR. NATH: It wasn't mentioned.

COMMISSIONER NEAVE: But it is a document which has been submitted previously to the Tribunal, isn't it?

DR. NATH: No, it is a document of which we here have only a certified copy. The original of this copy is in Washington.

COMMISSIONER NEAVE: I think I know which one it is. This document has a Commission number, not a Tribunal number.

DR. NATH: I don't know, because we have not yet received the last records of the interrogations.

COMMISSIONER NEAVE: I think it is a Commission document. Well, what was the point you wanted to make?

DR. NATH:

This affidavit concerns a charge made against the Gau Organization Office of the Gau Cologne/Aix la Chapelle, concerning instructions according to which Block Leiters in their blocks were to gather, unnoticed and secretly, information for their files, and concerning the household files. The witness, who was at that time on the staff of the Kreisleiter in Gau Cologne/Aix laChapelle, can say from his own experience how far these instructions for the files information service were carried out and that no secret and unobtrusive information requests

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were being made. He also mentions why a statement of the political attitude of the persons was to be put on the file cards.

COMMISSIONER NEAVE: Well is there anything new in this? This subject has been covered previously.

DR. NATH: In my opinion this affidavit is very important because it gives counter proof of the submission of charges that have been made by the Prosecution during interrogation of witnesses.

COMMISSIONER NEAVE: It is a result of the submission of a document by the Prosecution and the witness says he has never heard of this document before. Who showed him the document? Did you show him the document?

DR. NATH: Yes I did.

COMMISSIONER NEAVE: What I want to know is what does this affidavit say, even if it is in answer to the submission of that document, what does this affidavit say that others do not say?

DR. NATH: None of the witnesses who were interrogated was from Gau Cologne Aix la Chapelle. Therefore they were not able to testify concerning the instructions of this Gau whereas this witness can testify from his own personal experience concerning this document of the prosecution.

COMMISSIONER NEAVE: All this witness really says is, first, I have never seen the document before and, secondly, that conditions were exactly the same in Cologne as they were in other places as the other witnesses have described.

DR. NATH: No, I don't believe so. The witness said after I submitted the document to him, that he remembers an official meeting of his Kreisleitung about March or April 1942. At this meeting this document, or one that was similar in context, was treated.

COMMISSIONER NEAVE: Yes, that is quite true, but at the same time

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and since we are merely trying to decide whether this affidavit should be translated in its entirety, at the same time I don't see that it says anything particularly important. The only difference from the others is that he comes from a different part of Germany.

DR. NATH: It is important in my opinion because here we have a witness who from his own personal experience is able to prove the incorrectness of the charge made by the prosecution in the document submitted to him and can give an explanation or give the reason why the Gau Organization Office issued the circular.

COMMISSIONER NEAVE: Major Murray, the reason why Dr. Nath is asking to have this affidavit fully translated is that this is a document submitted to a witness during hearings of the Commission. Apparently this witness has also seen the document and states that he does remember a meeting at which a similar document at any rate was discussed. He then goes on to state why it was circulated and some of that does appear to be of some interest. The question is whether the rest of the affidavit, which contains a lot we have already heard before, should also be translated.

DR. NATH: The witness said he remembered having seen the document but he does not remember the wording.

COMMISSIONER NEAVE: That is what I mean. He does not know the actual document but he remembers a similar document.

DR. NATH: Or the same one. I cannot ask of the witness to remember for five years the exact wording of the document.

COMMISSIONER NEAVE: Well, I don't know whether we really need to take up very much more time deciding this. As the affidavit is not very long, unless the prosecution have any objection I think we might have it laid before the Tribunal as it stands.

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MAJOR MURRAY: I have no objection.

COMMISSIONER NEAVE: That will be Political Leaders Affidavit No. 11.

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BY DR. NATH:

I should now like to submit an affidavit from the Eastern Zone from Berlin-Hessenwinkel. This affidavit has not been certified. This part in the Eastern Zone cannot be contacted and as my documents from this zone are very few I should be grateful if I might include this or submit it in order to complete or round up my affidavits.

COMMISSIONER NEAVE: What is the date of the affidavit? This here is apparently an enclosure to a letter of the 6th of November.

DR. NATH: Yes, the 6th of November 1945.

COMMISSIONER NEAVE: I do not know what action the prosecution wish to take on this. The position is that an affidavit sworn before a German official or notary before the 9th of May, is valid. In this case the date is the 6th of November 1945 and it comes from the Eastern Zone of Berlin, which I understand is difficult to contact. I don't like accepting affidavits which are not sworn at all. This merely is an enclosure to a letter. Would you like to have a look at it, Major Murray?

MAJOR MURRAY: Briefly, what is the summary of this affidavit? Does it vary from what other affidavits have produced?

DR. NATH: No, it only gives a picture of the zone.

COMMISSIONER NEAVE: You merely want it as pepresenting another part of Germany?

DR. NATH: Yes; 10 points are mentioned which are very clear.

COMMISSIONER NEAVE: Well I think we might consider admitting it and simply list it with its title, as being confirmatory of what other affidavits

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have said. We have done that sort of thing in many cases.

MAJOR MURRAY: If it is otherwise admissible I would not object because of the lack of certification.

COMMISSIONER NEAVE: Will you just tell us very very briefly what is in this affidavit?

DR. NATH: This affidavit gives in 10 points a very good summary of the tasks of the Blockleiters in Berlin and emphasizes that the Blockleiters and Cellenleiters who became members of the Party after 1933 were considered second-rate or second-grade by the others.

COMMISSIONER NEAVE: I think that is enough. I think in view of the fact that there is no objection by the prosecution to the fact that it is not properly sworn and as ~~xxxxx~~ there appears to be good grounds for that not having been done, that we will admit it. So that will be Political Leaders Affidavit #12.

MAJOR MURRAY: Is that to be translated in full?

COMMISSIONER NEAVE: No, that part which was read will be part of the record.

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BY DR. NATH:

The next affidavit is given by a Blockleiter in Dresden who was such in Dresden from 1936 to 1945. This witness testifies about the duties of the Blockleiters and further says that Block and Cellenleiters did not consider themselves as members of the Corps of Political Leaders and that they had only learned that they had been included in this group now in the course of the trial. The affidavit represents the district of Saxony now in the Eastern Zone.

COMMISSIONER NEAVE: Well I think Major Murray had better see this. This is a letter to Dr. Servatius, from Dresden, and is not certified. I think the

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interpreter had better read part of it into the record.

INTERPRETER (Reading from affidavit): ... but I should like to give you as defendant of the Corps of Political Leaders in general, a little information and assure in lieu of oath that these statements correspond to the truth. I realize the meaning of a declaration made under oath.

COMMISSIONER NEAVE: I think the Commission will reserve decision as to whether they will admit this or not.

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BY DR. NATH:

The next affidavit is a declaration of the Gau Organization Leader in Gau Munich-Oberbayern, whose last official rank was that of an Oberbereichsleiter. The witness testifies concerning the probative value of the Organization Book of the NSDAP which has been repeatedly mentioned by the Prosecution. The witness makes a distinction between the practice and the instructions of the organization book and he terms the compiler of this book, Hauptamtsleiter Maynard who is the man responsible for the organization book a man who organized out of the pure joy that he had in organizing and who put down his tasks or his sphere of work according to his own ideas, that is far in advance of reality and facts or, better said, "chasing after images." The witness terms the viewpoints and the plans of the organization book concerning the Block and Cellenleiter as particularly exaggerated. Because of the importance of this I should like to have this document translated in full. This is the last of the documents I should like to have translated in full.

COMMISSIONER NEAVE: Can you tell us briefly how this witness shows that the contents of the Organization Book were far from reality as a result of the peculiar mentality of the writer? I mean does it show that the Organization Book

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is wrong?

DR. NATH: In several parts, yes, especially as concerns the question whether Block and Cellenleiter were Hoheitsträger in practice and concerning the scope of work of the Block and Cellenleiter. This witness was a man who had practice, that is, he was the Gau organization leiter and therefore knew the organization in practice.

COMMISSIONER NEAVE: Have you any comments on this, Major Murray?

MAJOR MURRAY: Haven't other witnesses of the Leadership Corps testified to the same facts?

COMMISSIONER NEAVE: Substantially, I think they have.

MAJOR MURRAY: I should think that would be much better evidence than an affidavit. There seems to be no necessity for translating this affidavit.

DR. NATH: Other persons have not been interrogated on this question. There is just one more interrogation which has been written up and which also concerns itself with the Organization Book - an affidavit by Heyderich.

COMMISSIONER NEAVE: What happened to Heyderich's affidavit? Has that been submitted?

DR. NATH: Yes I submitted it to the General Secretary's Office and asked that it be translated; the translation has been approved.

COMMISSIONER NEAVE: So that is going to be submitted before the Commission later on, is it?

DR. NATH: No.

COMMISSIONER NEAVE: Well what are you going to do with it?

DR. NATH: It has been accepted and submitted to the Commission. I introduced it during the interrogation of the witness.

COMMISSIONER NEAVE: Oh yes, I see. I don't see much purpose in translating all this. It does not say anything new at all.

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DR. NATH: This witness, Foertsch, was a man employed within the organization office and shows the difference in practice and gives testimony also concerning the introduction of the household files which were not made in all of the Gaus. It gives, I might say, a general survey from his own practice.

COMMISSIONER NEAVE: Well I think the Commission will consider whether they will translate this. I am not sure about it at all. It is a general survey but then most of these affidavits are very general surveys. The only new point that is made is that the author of the organization book was a person who had not much regard for reality and therefore I would like to consider the question whether it should be fully translated.

DR. NATH: This man also shows clearly how the conditions were in reality, from his own experience, and compares these to the Organization Book and I am therefore of the opinion that the document is relevant and of importance.

COMMISSIONER NEAVE: I will bear in mind what you say before making a final decision. What we will do is admit the Affidavit as Corps of Political Leaders #13; the extract which you have read will remain in the record; and the Commission will decide whether it should be fully translated or not.

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We haven't got much more time. Are there any more affidavits we can deal with this evening?

DR. NATH: I should like to have two more affidavits read into the record and then summarize the rest as a whole and ask you to accept these affidavits as a group.

COMMISSIONER NEAVE: How long will the two be?

DR. NATH: The two I am going to read are very short.

COMMISSIONER NEAVE: All right, we will continue.

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BY DR. NATH:

The next affidavit is made by an Ortsgruppenleiter concerning Block and Cellenleiter. This man is a lower grade judge in Parsberg. This witness testifies concerning the 13 points of the tasks of the Block and Cellenleiter. He testifies concerning the Organization Book and says that the Block Leiter had no sovereign powers at all.

COMMISSIONER NEAVE: Well I have no objection to that although I can't see that it is bringing up anything new. It may be said to support other evidence which has been received here, from a different part of Germany.

DR. NATH: The difference is this. Up to now I have only submitted affidavits that Block and Cellenleiters themselves have made. This evidence is made by a superior of Block and Cellenleiters - by an Ortsgruppenleiter.

COMMISSIONER NEAVE: Yes but even if he is an Ortsgruppenleiter, which I have already noticed, he doesn't say anything different from the others.

DR. NATH: If the Defense succeeds in giving a uniform picture of all the Block and Cellenleiters, then I believe that our task has been fulfilled.

COMMISSIONER NEAVE: I quite agree but the point is, what passages are to be considered relevant and remain in the record. You are not being denied the right to quote evidence from different parts of Germany to build up the picture you suggestion.

DR. NATH: Not a picture that I should like to make but that is formed of itself, from facts. I have already mentioned the contents of this document. The witness denies that the Block and Cellenleiter had sovereign powers and he also rejects the charge of the prosecution of the conspiracy.

COMMISSIONER NEAVE: Where is the reference to conspiracy? I didn't see that.

DR. NATH: Right at the beginning.

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COMMISSIONER NEAVE: Is that paragraph 8 of the original?

DR. NATH: Yes, at the top of page 3. Also paragraphs 9 and 10.

COMMISSIONER NEAVE: All paragraph 8 says is "I did not know anything of a conspiracy in the sense that is used in the indictment."

DR. NATH: At the bottom of page 2 he says "But I do not only have to express myself negatively" and in paragraphs 9 and 10 he gives positive information.

COMMISSIONER NEAVE: Well do you want to read anything more.

DR. NATH: I believe it is sufficient if I characterized the tasks of the Block and Cellenletier from the viewpoint of an Ortsgruppenleiter in this document.

COMMISSIONER NEAVE: Major Murray have you any objection to this? It does not lead us any further. The only thing one can say is that it has ~~already~~ been said by a higher official.

MAJOR MURRAY: I have no objection.

COMMISSIONER NEAVE: That will be Corps of Political Leaders No. 14. Have you any more before we go?

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BY DR. NATH:

The affidavit of a Kreisleiter. This man was Kreisleiter from 1927 to 1945, first in Nuertingen and then in Esslingen am Neckar. This witness testifies concerning Block and Cellenleiter from the viewpoint of a Kreisleiter and depicts conditions in his own Kreis. He says that it was difficult for the Ortsgruppenleiter to get the number of men required for these posts; further that the Block and Cellenleiter had no special rights but only a higher responsibility or duty. towards other people. This witness also says that the Organization Book did not correspond to reality and was not able to change the position of the Block and

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Cellenleiter that had a long time previously grown up and strengthened itself. He said that they were assistants and servants for all tasks concerning themselves with population or peoples' welfare and that they were the burden bearers of party organization. The household files introduced by the Organization Office had become very quickly a dead stationery shop which was valueless and was not used. The Kreisleiter testifies that the activities of his Block and Cellenleiters had no criminal characteristics and explains this in detail.

COMMISSIONER NEAVE: I don't think we need to hear any more. That will be Corps of Political Leaders Affidavit No. 15.

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BY DR. NATH:

Now in summarizing I should like to have the following affidavits accepted from different parts of Germany and which are distinguished from one another concerning the relationships in the cities and the flat country.

COMMISSIONER NEAVE: They all relate to the functions of Block or Cellenleiter?

DR. NATH: Yes. The contents of these affidavits are essentially the same as I have already summarized, and especially those that I have asked to be translated fully.

COMMISSIONER NEAVE: I see. How many are there?

DR. NATH: There are 8.

COMMISSIONER NEAVE: I think, if the Prosecution doesn't object, that Dr. Nath should simply read the names and titles straight into the record, numbering them from 15 onwards.

MAJOR MURRAY: No objection.

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BY DR. NATH:

Affidavit No. 16 is from a town in Northwestern Germany, Nordenham in Oldenburg. The witness, Arnold von Atens, was a Cellenleiter during the war.

Affidavit No. 17 - Affidavit of a witness Ernst Riesebieter, Brake in Oldenburg. He was Blockleiter from 1943 on.

COMMISSIONER NEAVE: We will admit Affidavit No. 17 although it has not been properly sworn.

The next affidavit is given by Heinrich Knoke of Bremen, who was Blockleiter and Cellenleiter in Bremen, 1934 to 1939.

COMMISSIONER NEAVE: That will be No. 18.

The next affidavit was given by Professor Heinrich Waltz of Hamburg. Professor Waltz was Blockleiter in Hamburg from 1934 to 1938 and Cellenleiter from 1938 to 1939.

COMMISSIONER NEAVE: He did not give evidence before the Commission, did he?

DR. NATH: No, I withdrew my witness.

COMMISSIONER NEAVE: That will be No. 19.

The next affidavit is by a witness who was Blockleiter in Berlin from the beginning of the war in 1939 to the end of 1943. His name is Arthur Schoene and at present a resident of Gaigereck, Upper Bavaria.

COMMISSIONER NEAVE: That will be No. 20.

The next affidavit I should like to ask to submit is from Eisenach, Thuringia. Werner Bechstein was Blockleiter from 1936 to 1943 with just a short interruption. The witness gave his affidavit in the internment camp of Hammelburg. The affidavit was certified by the officer in charge of the internment camp; he in his turn had his signature certified by an allied officer and the name is contained in the list.

COMMISSIONER NEAVE: Yes. That will be No. 21.

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The next affidavit is from Ortsgruppenleiter Heinrich Sibbel, resident in Seppenrade, Westphalia. He gives testimony concerning the tasks of Block and Cellenleiters as an Ortsgruppenleiter.

COMMISSIONER NEAVE: That is No. 22.

The last affidavit is given by Ferdinand Rose of Mainz, Blockleiter from 1942 on, who also gives testimony concerning the tasks and positions of the Block and Cellenleiter.

COMMISSIONER NEAVE: That will be No. 23.

DR. NATH: That completes the list.

COMMISSIONER NEAVE: Wasn't one of the affidavits withdrawn for some reason.

DR. NATH: That was No. 23 which I have resubmitted with the group of 8 affidavits.

COMMISSIONER NEAVE: Will you be introducing any more on behalf of Block and Cellenleiter?

DR. NATH: No.

COMMISSIONER NEAVE: Tomorrow morning the Commission will continue with SS affidavits.

(The Commission adjourned until 17 July at 1000 hours.)

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COM. A.
Take 4 - 20
Lesser
16 July
Affidavits - PL

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The foregoing is a true and correct transcript of the submission of affidavits for the Corps of Political Leaders submitted by Dr. Nath on 16 July 1946.

Rose W Babcock
Reporter (pp 1-20)

Mabel A Lesser
Reporter (pp 21-39)

Reporter (pp)

CERTIFIED TO:

Ann Meave
Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946

16 July 1946

COMMISSIONER:
Colonel A. M. S. Neave

POLITICAL LEADERS

COLONAL NEAVE: I understand your position is that you have twanty-three affidavits which you wish to submit regarding the function of the lower office holders in the corps of political leaders.

DR. NATH: Only block and zellenleiters.

COLONEL NEAVE: In order to make the record clear will you begin by reading the first four paragraphs of your summary, which begins with : "They only concern, and goes on to "ortsgruppenleiters and kreisleiters, respectively." Do you see that ?

DR. NATH: Yes, I do.

COLONEL NEAVE: Will you [illegible]him to read that to make the record clear?

DR. NATH: I shall submit twenty-three affidavits. "They only concern themselves with the lowest office holderswithin the corps of political leaders, that is with the block and zellenleiters. I should like to say that the affidavits which have been received by the defense come from the territories from Southern Germany, Western Germany and Northern Germany. Two affidavits refer to Berlin, one to Dresden and Saxony and one to Thuringia. Within these territories there are other affidavits from different cities including two smaller towns in and . I shall submit two affidavits concerning block and zellenleiters that have been given by ortsgurppenleiters and a kreisleiter, respectively."

COLONEL NEAVE: Now the first affidavit mentioned in your list you want to be fully translated, is that right ?

DR. NATH: Yes, if I may.

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COLONEL NEAVE: For the benefit of the Prosecution I wonder if you would tell us very shortly the contents of the affidavit and what it is you intend to prove by it ?

DR. NATH: The affidavit is supposed to show the position and the functions that were carried out by the block and zellenleiters and talks about these in detail and shows further that the block and zellenleiters were usually civil servants of the lower and medium grades. They either were teachers or small business people but there were also some who were in higher social positions. The affidavit is supposed to show that the block and zellenleiters had nothing to do with politics, that is, with the carrying out of politics, or with giving political instructions. The organization chart of the party was not known to the witness, who himself, was a blockleiter before May, 1946, when [illegible] it for the first time. The organization group was unknown to the blockleiter. The blockleiter did not by any means want to make themselves laughed about by carrying out short sighted propaganda and trying to spy on the people or by carrying out spying service over the people and inform against them. It was impossible for one of these officers to retire from his office without a very good reason. For example it was not possible for him to retire from his office by saying for example that he was against aiding the Jewish murders. That would have been considered an affront to the party and he would have been excluded from it.

COLONEL NEAVE: Dr. Nath, do you want to have any other affidavits translated on this subject ?

DR. NATH: Yes, Document No. 6

COLONEL NEAVE: This is a pretty comprehensive, isn't it ?

DR. NATH: The first one, yes.

COLONEL NEAVE: And this covers all of the points your witnesses have already testified to before the commission ?

DR. NATH: Yes.

COLONEL NEAVE: I feel that if you have this fully translated it will tell the Tribunal everything that can possibly wish to know. What is the special point of No. 6, for example ? What is there in it ?

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DR. NATH: Affidavit No. 1 was given by a blockleiter who became such during the war and No. 6 is given by a blockleiter who held his office from 1925 to 1938, and for this reason alone there is a slight difference in the functions.

COLONEL NEAVE: I see. Well now, we have some other affidavits, to consider before we get to No. 6 which will be summarized, so let's decide on No. 6 when we come to it. Now, has the Prosecution any comments on this? It is a very full and comprehensive account of the blockleiters and repeats most of the main questions previously brought up before the Commission. We have the agreement that in certain cases we will fully translate these affidavits, and they will be circulated to the Tribunal and to the Prosecution. My first question is do you want to object to it on the grounds of its relevancy, and secondly, whether you object ot it's being fully translated ?

MR. BARRINGTON: I don't think there is any objection on the ground of relevancy, and so far as it's being translated in full is concerned, I think it is more or less cumulative and the question is whether it ought to be translated in full.

COLONEL NEAVE: I think the question of cumulative evidence has been decided so far as we are concerned as follows. We are supposed to give the defense an opportunity to cover as wide and representative a field of evidence as possible, providing we avoid actual repetition. Unless it is a repetition of actual facts we can allow them to give evidence from different parts of Germany who state more or less the same thing. So in this case we will allow a full translation of this affidavit which relates to most of Germany. We are only reading into the record extracts from the evidence and in this respect I think we can disregard what would be otherwise cumulative evidence. So, if you have no objection we will admit this affidavit to be fully translated. That is my interpretation of cumulative evidence so far as these affidavits are concerned and we have adopted that ruling during the course of these hearings. Obviously, there are cases where actual repetition of facts occur which is quite different.

MR. BARRINGTON: I don't have any objection at all.

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COLONEL NEAVE: No, I think we can go ahead and admit this affidavit as "Corps of Political Leaders No. 1",. Will you arrange with Dr. Link to follow on with the next document number in sequence, as I understand Dr. Link will present other affidavits and you will follow on with the numbers so far as sequence of them all is concerned ?

DR. NATH: Yes.

COLONEL NEAVE: No. No. 2

DR. NATH: Affidavit No. 2 was given by a Chief criminal Secretary, retired Kaspar Volk from Munich. He was a zellenleiter from the 15th of March 1938 to 1945. The witness depicts that his application for membership in the party was refused at first for the reason that he was politically unreliable but in spite of this he was later appointed zellenleiter. On taking over office he was told that he would have nothing to do with political matters but would only have to collect and see that the dues of the party were properly handed in. He continues to say the same thing is true of the block-leiters and of the zellenleiters and that they were under similar circumstance forced more or less to take over this office. I had the same impression also of the other block and zellenleiters, of whom two-thirds were mostly smaller civil service employees and other employees. A refusal to take over this office would have meant that a disciplinary action would have been taken again them, and officials or civil servants of a family could not afford to have this happen.

COLONEL NEAVE: He says "would have meant", does he say here that that ever actually happened; that they ever had actually to go before a disciplinary court ?

Here is the question I want to know, Dr. Nath: Does this affidavit give any evidence what people went before disciplinary courts for punishment?

DR. NATH: No, this witness only states his opinion. He says that a disciplinary action threatened him, he doesn't say any more than that.

COLONEL NEAVE: In other words, it might have happened?

DR. NATH: Yes.

COLONEL NEAVE: That is what we want to know anyway. I don't think there is anything else in this affidavit we want to read.

DR. NATH: Yes.

COLONEL NEAVE: What is that? Wait a minute, Dr. Nath, do you think there is anything else, does it show the definition of "hoeitstager"?

DR. NATH: No, I believe that the definition is included in affidavit No. 1.

COLONEL NEAVE: It does say something like that. You are surely going to have to submit an affidavit which covers in considerable detail a witness' views of what is meant by Hoeitstager and the people who were designated as such. you are going to have that?

DR. NATH: No, considering this point it isn't necessary. I should only like to point out that the witness says it is wrong to say that block abd zellenleiters had police and executive powers towards the population.

COLONEL NEAVE: I don't see any objection to your reading on page four, beginning with the word "hoheitstager" on page 5, but I don't think you need read any more because certainly other witnesses are going to say this in detail, so will you read those two sentences?

DR. NATH: The witness says "only an ortsgruppenleiter can be termed as the lowest hoheitstager functionary and he also was considered by the population as a hoheitstager. It is claimed that block and zellenleiters had police and executive powers over the population, which likewise is incorrect."

COLONEL NEAVE: Have you any comments on that?

MR BARRINGTON: No.

COLONEL NEAVE: This affidavit will be admitted as corps of political leaders No. 2, and the summary is now in the record.

DR. NATH: The next witness co[illegible] job of employment by profession of a blockleiter in Nurnberg for eight years, and this affidavit shows under No, 2

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a summary of the position of the blockleiters to the counts of the indictment of crimes against peace and law and war and humanity. The witness declared that the blockleiters had nothing to do with these crimes and had no hand in them.

COLONEL NEAVE: I think that is all we need on this one. There is nothing more in it. That then will become "Corps Political Leaders No. 3" Wait a minute before we have this translated. I don't think that it is necessary to read the whole paragraph in regard to espoinage. I should have thought the next paragraph with regard to the inhabitants who were affected by the duties of the block-leiters was much more important. That is as the inhabitants of the block. I think we have dealt with this espoinage question and you have the preliminary statement that you read out in regard to the position of the blockleiters. That may stay in the record, but the German Court Reporters will please strike out the paragraph with reference to espoinage, because I don't think we need have that in. Strike out the whole passage because we don't want particularly to bring that to the attention of the Tribunal, but I am interested in the reference to the inhabitants of the blocks.

DR. NATH: Yes.

COLONEL NEAVE: I think to make the thing easier you had better read out the preliminary part regarding the position of this blockleiter.

DR. NATH: Affidavit No. 4 was given by a blockleiter from a small country town with 2,000 inhabitants in Franconia. The name of the town is Hilpolstein and the witness was a diary meister by profession and was a blockleiter for almost ten years, from November 1935 until 1945, and formerly the witness had been an adherent of the democratic party in Germany and a member of the free trade union??? and he depicts at first for what reason he did not enter the National Socialist Party and then designates his duties as blockleiters as foll Collecting the dues.

INTERPRETER: Counsel did not read the next part.

COLONEL NEAVE: I think it is quite unnecessary. I think we have got quite enough by way of introduction to the affidavit with that. Now then the next part is stricken out of the German record. That is the paragraph with reference to espionage activities which we have already had, and the following paragraph here is of some interest in showing the numbers of persons involved in the blocks and their functions, and I think we should have that read.

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DR. MATH: Shall I read the paragraph beginning with the top of page 7?

COLONEL NEAVE: I think you can go as far as the top of page 7 and not beyond that.

DR, MATH: Concerning the population files the witness says that about fifty to sixty householders comprising about 150 to 200 persons belonged to one block, for which he had to keep the population file. I quote: "The populati files or inhabitant files contained names, personal information, information concerning professions, addresses, information concerning party membership, its facilities, organizations or associations, but I should like to emhasize expres ly that no reports or notes whatsoever were contained in the population files concerning political attitudes or other information or setimates that would have been of value in this respect. I kept my files openly, that is, any one could look into it, For example, if additions have to be made to the files I took along the file to the household concerned and made my entries before every one's eyes."

COLONEL NEAVE: Any objection to that?

MR BARRINGTON: No objection.

COLONEL NEAVE: That seems to be the main point that we show on the record.

MR BARRINGTON: Agreed.

COLONEL NEAVE: Is the Court Reporter getting the names of these witnesses?

INTERPRETER: I am writing them down for her.

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affidavits, from what they have told me, they unanimously say that they made a very clear distinction between the higher leadership and themselves.

COLONEL NEAVE: We have already had evidence from the blockleiters and zellenleiters to the effect that they had no influence on politics or legislation. I want to have explained why that was so or why it was supposed to be so. Now, in this case this man is merely saying that in a couple of lines a statement that anybody can make without any explanation or any specific reasons for saying so.

DR. NATH: Yes, I will withdraw it.

COLONEL NEAVE: I don't think we need anything quite as general as that. Is there anything more from this affidavit ?

DR. NATH: No.

COLONEL NEAVE: Is there any objection to that ?

MR. BARRINGTON: No objection.

COLONEL NEAVE: Is truck out the last statement by the person who swears to an affidavit, saying that the corps of political leaders had no influence nn politics and without saying why. I don't think we need that . Now we come to No. 6 which is the one you wanted to be fully translated.

DR. NATH: May I ask you to do so.

COLONEL NEAVE: Well now the principal point we want, and correct me if I am wrong, which appears to me to be important in this affidavit is fisrt : Were the block and zellenleiters also Hoehitstraeger ?

DR. NATH: Yes.

COLONEL NEAVE: Had the blockleiters a staff ? The other points I don't think we need to cover again. They are spyin again, and a brief statement with regard to church and racial questions which are probably better dealt with by somebody in a responsible position.

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DR. NATH: I now turn to the different territories in Western Germany. It might be important here to mention the report concerning the feeling and sentiments as a report was supposed to be handed in by him.

COLONEL NEAVE: Where is that ?

DR. NATH (Exhibing the document to Colonel Neave)

COLONEL NEAVE: I don't think we need to hear that. There is still the same reference to spying and espoinage and I don't think we need that. You might read from "each month" down to "injustice". Have you got that ?

DR. NATH: Perhaps as far as the word " " (missing)

COLONEL NEAVE: I see what happened. Actually the words are in theoriginal and have been left out of the summary. Thisis the passage relating to the reports of the blockleiters which they make each month.

DR. NATH: The witness, who was a block and zellenleiter in Wiesbaden emphasizes the following : He had to make each month a report concerning any irregularities, concerning the distribution of clothing, food or coal or about any other alleged injustice. He goes on to say that each member or each person was able to voice his opinion freely. May I read the first paragraph on page 8 ?

COLONEL NEAVE: Where is it ? There is nothing new in that. It merely says they had no political influence.

DR. NATH: On legislation, it has been claimed that they also had influence on legislation.

COLONEL NEAVE: Well, this is saying they had no influence on legislation ?

DR. NATH: No.

COLONEL NEAVE: But apparently they were not engaged in political and military activities. It is not necessary.

DR. NATH: Yes.

COLONEL NEAVE: I don't think that should be given.

DR. NATH: I am in a very difficult position. The lowest officeholders have been indicted in the very same manner, as, for example, the gauleiters have been indicted, and the block and zellen leiters too have to justify ormake statements concerning the indictment and as far as I gather from the

DR. NATH: Yes

COLONEL NEAVE: I think so, but before I make a decision about translating this would you say if there is any other matter in it which you think is important?

DR. NATH: I would like to mention as to whether the blockleiter was superior to the ortsgruppenleiters in the political staff has been accepted by the Prosecution?

COLONEL NEAVE: I am sorry, but aside from that I see no reason why the whole affidavit should be translated.

DR. NATH: If you would just have the three points mentioned translated in this document.

COLONEL NEAVE: You can do either one thing or the other. You can either translate the whole affidavit or read short passages into the record.

DR. NATH: Then I should like to have these points read into the record.

COLONEL NEAVE: You know this is quite good in a way, because it answers quite a number of important questions quite clearly, and I am not sure I am going to change my original view and have it fully translated, and I think by doing so we should probably save the time in these proceedings.

MR. BARRINGTON: I entirely agree with you. It looks to me to be very concisely worded.

DR. NATH: That is why I wanted to have the original document translated.

COLONEL NEAVE: My original objection was as to the duties of blockleiters and zellenleiters and questions as to espoinage and church relations here in this case which were not really worth translating, but I do think we should cover the question of hoheiftstagers, and the question of the staff of the blockleiters and his relation to the ortsgruppen staff. That would have to be read into the record anyway and it would take sometime, and since it is only four pages, I direct that the whole affidavit be translated.

DR. NATH: I am very grateful to you.

COLONEL NEAVE: May I look at this a moment?

DR. NATH: I just want one small point brought out here, distribution- and so on.

COLONEL NEAVE: Do you mean the reference to newspapers, wireless, and so forth?

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DR. MATH: Yes, because this too has been repeatedly submitted to the witnesses.

COLONEL NEAVE: Do you agree with me. Prosecution?

MR BARRINGTON: Yes.

DR. MATH: Yes.

COLONEL NEAVE: You may read from "affidavit" - I am speaking now from the summary, not from the original.

DR. MATH: From the word "affidavit" as far as *

COLONEL NEAVE: Well the next two sentences are not very important, are the;

DR. MATH: Very well. "Affidavit no 7 was made by a certified engineer in Stuttgart, who had an office as blockleiter during the war from 1942 until 1944, and he says, among other things, concerning the keeping of the block files, the commission concerning membership in the party organization and other personal information such as it taken by any party or organization from its members, were contained in the block files. Besides this, there was also a comm duty concerning itself with newspaper, radio and so on which was not filled in. The material for these files was collected by questioning the person concerned, that is, only in so far as the person wanted to give information.

COLONEL NEAVE: Any objection?

MR. BARRINGTON: No.

COLONEL NEAVE: The only thing I would like to say now is that I think we are surely informed as to these block files and we shall not go any further int this. Otherwise, that affidavit will be admitted as "Corps Political Leaders" No. 7.

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DR. NATH: All right, the next affidavit, No. 8, wasgiven by a city official who was fifty-eight yearsof age and who was a Blockleiter at Mannheim from October 1928 until October 1945. I shall submit that affidavit because this witness gives a very comprehensive and detailed testimony concerning his duties as blockleiter as far as Mannheim only is concerned, and this man gives a mery minute description of the duties of a blockleiter within his sixteen years of service, and he depicts these duties in the very smallest detail, beginning with the collection of dues and ending with the clearing of the snow from the streets. This is, in my opinion, a very typical declaration that might serve as a basis for other similar affidavits.

COLONEL NEAVE: Well, the only question is: Is this the best affidavit you have got of the blockleiters and zellenleiters? Would it make it worth while to translate it fully?

DR. NATH: Yes.

COLONEL NEAVE: You see most of these affidavits describe the duties of the block and zellen leiters in one way or another.

DR. NATH: That is correct, Colonel Neave, but affidavit No. 1 concerns itself and very comprehensively with the position of the black amd zellenleiters in general, whereas this affidavit concerns only and this very minutely with the duties in western Germany, in Mannheim, that is.

COLONEL NEAVE: You are relying upon this affidavit to show conditions in Western Germany, is that the point?

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DR. NATH: Yes, for this district.

COLONEL NEAVE: Statement No. 1 concerns Regensburg?

DR. NATH: Yes.

COLONEL NEAVE: This is an affidavit which is not very long. I think it is agreed we should take affidavits from people from all parts of Germany. Would you like to have anything more about the points in this affidavit?

MR. BARRINGTON: I don't see any necessity for hearing them all, as it appears there are different conditions in all parts of Germany, and it seems to me your original ruling was quite right.

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COLONEL NEAVE: This aspect of the question concerns a representation of the organizations in different parts of Germany of particular importance in the case of the political leaders. As far as the order goes in regard to whether it should be accepted, I don't see any reason to object to it. We will just admit it as translated in full as the Corps of Political Leaders No. 8.

DR. NATH: No. 9 is noteworthy for the following facts: This affidavit was made by a blockleiter from Mainz am Rehin, who was such during the war.

COLONEL NEAVE: Is this really relevant, doctor?

DR. NATH: Yes. He says that he did not learn anything of the events in the concentration camp Dachau where his brother was interned. His brother, with whom he was on very good terms, did not tell him anything about his conditions and that alone would be sufficient proof that Blockleiters could have no knowledge of events that occurred in concentration camps.

COMMISSIONER NEAVE: You say that because this man's brother did not tell him what was going on in Dachau that the Blockletiers as a whole could not have know about it. That is somwhat wide implication, isn't it?

DR. NATH: It is proof of the fact that if no information could be gleaned from one's own brother, with whom one was on good terms, concerning facts in concentration camps, how much less could the rest of the population, who had no such connections, know of events in concentration camps?

MR. BARRINGTON: I think, sir, if you will allow me to say so, there has been so much evidence before the Tribunal itself on the knowledge of the population near the concentration camps, particularly those near Dachau, that if this evidence is regarded as having any probative value at all it would really be going to the point of a personal excuse, which is irrelevant.

COMMISSIONER NEAVE: Dr. Nath, in this connection I also wish to say that I had along discussion with Dr. Pelckmann during a session of this Commission about two days ago. He was trying to say that if his

witness had gone to the Gestapo and asked whether it was true that the Jews were being exterminated in Auschwitz and received a negative answer, that showed that the whole of the organization to which his witness belonged did not know about it; or rather, to be absolutely fair, he implied that other people would not have known about it or would not have believed the rumors, and I struck out that evidence altogether. But what I did admit was evidence which showed that the negative answer given by the Gestapo in another case, to inquiries as to whether atfocities were really being carried out, was retold to a very large number of people by the witness himself. Now while that did not prove that the whole of the organization believed in the answer of the Gestapo and therefore did not know that the atrocities were taking place, it was obviously much more admissible than a mere statement that because "A" asks "B" what the truth is and received a negative answer that proves that the whole organization could not have known or been advised.

DR. NATH: As far as the witness treats of this question I shall withdraw the affidavit and it might be possible to include this affidavit in a general summary of about 8 affidavits at the end of the list.

COMMISSIONER NEAVE: Yes, but we have to draw a definite line between what an individual person heard from somebody else, and what, according to one of your witnesses, was generally known to be the case, so that it would not help your case if you were to produce a large number of affidavits, all of whichdescribed purely individual incidents. That would not help at all. But what would help would be if you could produce a witness who can tell us what in general was thought to be the case in his particular area or organization and, of course, if it is true, that the answer he received from an individual when he inquired was circulated by him in his district in the form of an instruction or order, such as applied in Dr. Pelckmann's case, then that evidence would be admissible. Has the Prosecution any comments on that?

MR. BARRINGTON: I agree with the Commissioner.

DR. NATH: This affidavit also treats of other questions.

COMMISSIONER NEAVE: In that case, Dr. Nath, I think we should strike out reference to the concentration camps.

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DR. NATH: My intention was to summarize 8 affidavits at the end of the list, from various parts of Germany, covering testimony that has been given in other affidavits from other parts of Germany.

COMMISSIONER NEAVE: Well, we will consider that when we come to them. Now is there anything more about No. 9? Is there really anything in No. 9 in addition to the question of Dachau. Otherwise I don't see why we should admit that at all.

DR. NATH: Yes, there are more things in this affidavit. I shall mention them later.

COMMISSIONER NEAVE: Well we will hold that for the moment.

(A recess was taken.)

DR. NATH: The next affidavit was made by a carpenter, 47 years old, of Marionhagen in the District of Cologne. Marionhagen is a small rural community with about 360 to 370 inhabitants, in which the witness was Cellenleiter from the 1st of April 1932 until the end of 1934. I consider this affidavit important because it says that during this time the Evangelical Church was, to say the least, on good terms with the Party organization. The witness mentions, among other things, that the minister of the neighboring community, for example, was a Party member and that in another church community the sister of the minister there was head of the Women's organization.

COMMISSIONER NEAVE: Wait a minute. I don't think that is relevant. Is that supposed to show that the Corps of Political Leaders was a God-fearing organization because a minister and a minister's sister belonged to the Party? We have had exactly this question with the SA.

DR. NATH: If I may continue, it goes on to say something else. There are two sentences I should like to quote. The witness goes on to say that his first speaker in his Cell was a theologist from Bonn and that later, after the seizure of power by the NSDAP, he was given instructions by his Ortsgruppen-

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leiter to exhort the people to take part in church services and that in case there were any larger church festivities or arrangements it was desirable to have them participate as a group.

COMMISSIONER NEAVE: Well that is much more to the point. I think we can strike out the question of which persons or sisters were members of the organization. What you must try to show here is that the political leaders in carrying out their work did not persecute the church and did not allow religious opposition to take place in their particular districts, such as by encouraging church going on an official basis. I think that might be considered to be relevant.

DR. NATH: For the time, of course, that is mentioned here.

COMMISSIONER NEAVE: Yes, I think that will do. So will the court reporters strike out the reference to the minister of a neighboring community being a member of the Party and also the sister of another minister. Do you think it's important that the first speaker of the Cell was a theologian from Bonn?

DR. NATH: At the beginning of 1933-1934 conditions in the country were quite different from these as developed later on.

COMMISSIONER NEAVE: We will admit the rest of the affidavit with the exception of the reference that I have already made.

DR. NATH: I should like to have the sentence in the record beginning "After the seizure of power".

COMMISSIONER NEAVE: Yes, all right.

DR. NATH: I shall now read for the record: "The first speaker in my Cell was a theologist from Bonn and at his request the former minister of Marienhagen spoke on the occasion of a meeting in his Cell without himself being a Party Member. After the seizure of power by the NSDAP I received instructions from my Ortsgruppenleiter to encourage the Party members to attend church services regularly and also that on the occasion of larger church arrangements it was desirable to have them participate as a group. Most of this actually happened."

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COMMISSIONER NEAVE: Have you got in the record the date on which this is supposed to have taken place? You refer to the assumption of power but does this affidavit cover a wider period?

DR. NATH: No, I said at the beginning that the witness was Collenleiter from the 1st of April 1932 until the end of 1934 and that his testimony refers to this period.

COMMISSIONER NEAVE: The point is whether the reference to church going is to that period. That is what we want in the record.

DR. NATH: Yes, May I read one more sentence?

COMMISSIONER NEAVE: Where is it?

DR. NATH: (Reads another part of the Affidavit.)

COMMISSIONER NEAVE: (To Interpreter: Wait a minute before you translate that.) I don't think that is very important, Dr. Nath.

DR. NATH: It seems important to me for this reason: Conditions in the flat country were quite different from those in the cities. The people know one another very well and therefore were not inclined to carry on any political excesses.

COMMISSIONER NEAVE: Well that hasn't any relation to the rest of the affidavit, I mean in regard to the Church question; that may be true of most rural communities but it doesn't relate to any of the rest of the evidence. I think that is too remote a statement altogether, Dr. Nath. For the benefit of the prosecution; it is merely a statement that the people are more spread out in the flat country than they are in towns and therefore their acquaintance is somewhat more remote and they do not commit political excesses. I think that is too vague a statement to read into the record and so we will strike that out, unless the prosecution want it in. Dr. Nath, I think it might be useful in certain cases to bring out the difference between conditions in town and country but expressly in relation to the charges made against the Corps of Political Leaders.

DR. NATH: And particularly concerning the responsibility

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of the Block and Collenleiter in the country; the witness in his affidavit also mentions knowledge of the planning of war of aggression and other crimes that have been indicted.

COMMISSIONER NEAVE: Yes I know he does but that statement does not in any sense relate to what he says about aggressive war. If he could show that the charge of aggressive war against the Political Leaders was affected by the fact that people lived in town or country in some way, that would be different. As it stands this is much too remote although I think the difference between conditions in town and country might be an interesting point in certain cases.

DR. NATH: I shall prove this point by other affidavits.

COMMISSIONER NEAVE:: That is Political Leaders Affidavit No. 10 then. We will admit that part about the church which has been read. The rest of it is struck out. Any comments?

MR. BARRINGTON: No comments.

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BY DR. NATH:

I should like to have the next affidavit translated in full for the following reason: During the interrogation of witnesses the Prosecution repeatedly submitted a document 0139 from the Gau Organization Office of the Gau Cologne/ Aix-la Chapelle of the 31st of January 1941.

COMMISSIONER NEAVE: Wait a minute. You haven't the Tribunal number of that document, have you?

DR. NATH: It wasn't mentioned.

COMMISSIONER NEAVE: But it is a document which has been submitted previously to the Tribunal, isn't it?

DR. NATH: No, it is a document of which we here have only a certified copy. The original of this copy is in Washington.

COMMISSIONER NEAVE: I think I know which one it is. This document has a Commission number, not a Tribunal number.

DR. NATH: I don't know, because we have not yet received the last records of the interrogations.

COMMISSIONER NEAVE: I think it is a Commission document. Well, what was the point you wanted to make?

DR. NATH: This affidavit concerns a charge made against the Gau Organization Office of the Gau Cologne/Aix la Chapelle, concerning instructions according to which Block Leiters in their blocks were to gather, unnoticed and secretly, information for their files, and concerning the household files. The witness, who was at that time on the staff of the Kreisleiter in Gau Cologne/Aix la Chapelle, can say from his own experience how far these instructions for the files information service were carried out and that no secret and unobtrusive information requests were being made. He also mentions why a statement of the political attitude of the persons was to be put on the file cards.

COMMISSIONER NEAVE: Well is there anything new in this? This subject has been covered previously.

DR. NATH: In my opinion this affidavit is very important

because it gives counter proof of the submission of charges that have been made by the Prosecution during interrogation of witnesses.

COMMISSIONER NEAVE: It is a result of the submission of a document by the Prosecution and the witness says he has never heard of this document before. Who showed him the document? Did you show him the document?

DR. NATH: Yes, I did.

COMMISSIONER NEAVE: What I want to know is what does this affidavit say, even if it is in answer to the submission of that document, what does this affidavit say that others do not say?

DR. NATH: None of the witnesses who were interrogated was from Gau Cologne Aix la Chapelle. Therefore they were not able to testify concerning the instructions of this Gau whereas this witness can testify from his own personal experience concerning this document of the prosecution.

COMMISSIONER NEAVE: All this witness really says is, first, I have never seen the document before and, secondly, that conditions were exactly the same in Cologne as they were in other places as the other witnesses have described.

DR. NATH: No, I don't believe so. The witness said after I submitted the document to him, that he remembers an official meeting of his Kreisleitung about March or April 1942. At this meeting this document, or one that was similar in content, was treated.

COMMISSIONER NEAVE: Yes, that is quite true, but at the same time and since we are merely trying to decide whether this affidavit should be translated in its entirety, at the same time I don't see that it says anything particularly important. The only difference from the others is that he comes from a different part of Germany.

DR. NATH: It is important in my opinion because here we have a witness who from his own personal experience is able to prove the incorrectness of the charge made by the prosecution

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in the document submitted to him and can give an explanation or give the reason why the Gau Organization Office issued the circular.

COMMISSIONER NEAVE: Major Murray, the reason why Dr. Nath is asking to have this affidavit fully translated is that this is a document submitted to a witness during hearings of the Commission. Apparently this witness has also seen the document and states that he does remember a meeting at which a similar document at any rate was discussed. He then goes on to state why it was circulated and some of that does appear to be of some interest. The question is whether the rest of the affidavit, which contains a lot we have already heard before, should also be translated.

DR. NATH: The witness said he remembered having seen the document but he does not remember the wording.

COMMISSIONER NEAVE: That is what I mean. He does not know the actual document but he remembers a similar document.

DR. NATH: Or the same one. I cannot ask of the witness to remember for five years the exact wording of the document.

COMMISSIONER NEAVE: Well, I don't know whether we really need to take up very much more time deciding this. As the affidavit is not very long, unless the prosecution have any objection I think we might have it laid before the Tribunal as it stands.

MAJOR MURRAY: I have no objection.

COMMISSIONER NEAVE: That will be Political Leaders Affidavit No. 11.

BY DR. NATH:

I should now like to submit an affidavit from the Eastern Zone from Berlin-Hessenwinkel. This affidavit has not been certified. This part in the Eastern Zone cannot be contacted and as my documents from this zone are very few I should be grateful if I might include this or submit it in order to complete

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or round up my affidavits.

COMMISSIONER NEAVE: What is the date of the affidavit? This here is apparently an enclosure to a letter of the 6th of November.

DR. NATH: Yes, the 6th of November 1945.

COMMISSIONER NEAVE: I do not know what action the prosecution wish to take on this. The position is that an affidavit sworn before a German official or notary before the 9th of May, is valid. In this case the date is the 6th of November 1945, and it comes from the Eastern Zone of Berlin, which I understand is difficult to contact. I don't like accepting affidavits which are not sworn at all. This merely is an enclosure to a letter. Would you like to have a look at it, Major Murray?

MAJOR MURRAY: Briefly, what is the summary of this affidavit Does it vary from what other affidavits have produced?

DR. NATH: No, it only gives a picture of the zone.

COMMISSIONER NEAVE: You merely want it as representing another part of Germany?

DR. NATH: Yes; 10 points are mentioned which are very clear.

COMMISSIONER NEAVE: Well I think we might consider admitting it and simply list it with its title, as being confirmatory of what other affidavits

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have said. We have done that sort of thing in many cases.

MAJOR MURRAY: If it is otherwise admissible I would not object because of the lack of certification.

COMMISSIONER NEAVE: Will you just tel us very briefly what is in this affidavit?

DR. NATH: This affidavit gives in 10 points a very good summary of the tasks of the Blockleiters in Berlin and emphasizes that the Blockleiters and Zellenleiters who became members of the Party after 1933 were considered second-rate or second-grade by the others.

COMMISSIONER NEAVE: I think that is enough. I think in view of the fact that there is no objection by the prosecution to the fact that it is not properly sworn and as there appears to be good grounds for that not having been done, that we will admit it. So that will be Political Leaders Affidavit #12.

MAJOR MURRAY: Is it to be translated in full?

COMMISSIONER NEAVE: No, that part which was read will be part of the record.

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BY DR. NATH:

The next affidavit is given by a Blockleiter in Dresden who was such in Dresden from 1936 to 1945. This witness testifies about the duties of the Blockleiters and further says that Block and Zellenleiters did not consider themselves as members of the Corps of Political Leaders and that they had only learned that they had been included in this group now in the course of the trial. The affidavit represents the district of Saxony now in the Eastern Zone.

COMMISSIONER NEAVE: Well I think Major Murray had better see this. This is a letter to Dr. Servatius, from Dresden, and is not certified. I think the interpreter had better read part of it into the record.

INTERPRETER (Reading from affidavit): ..... but I should like to give you asdefendant of the Corps of Political Leaders in general, a little information and assure in lieu of oath that these statements correspond to the truth. I realize the meaning of a declaration made under oath.

COMMISSIONER NEAVE: I think the Commission will reserve decision as

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to whether they will admit this or not.

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BY DR. NATH:

The next affidavit is a declaration of the Gau Organization Leader in Gau Munich-Oberbavern, whose last official rank was that of an Oberbereichsleiter. The witness testifies concerning the probative value of the Organization Book o the NSDAP which has been repeatedly mentioned by the Prosecution. The witness makes a distinction between the practice and the instructions of the organizati book and he terms the compiler of this book, Hauptamtsleiter Maynard who is the man responsible for the organization book a man who organized out of the pure joy that he had in organizing and who put down his tasks or his sphere of work according to his own ideas, that is far in advance of reality and facts or, better said, "chasing after images". The witness terms the viewpoints and the plans of the organization book concerning the Block and Zellenleiter as particularly exaggerated. Because of the importance of this I should like to have this document translated in full. This is the last of the documents I should like to have translated in full.

COMMISSIONER NEAVE: Can you tell us briefly how this witness shows that the contents of the Organization Book were far from reality as a result of the peculiar mentality of the writer? I mean does it show that the Organization Book is wrong?

DR. NATH: In several parts, yes, especially as concerns the question whether Block and Zellenleiters were Hoheitsträger in practice and concerning t scope of work of the Block and Zellenleiter. This witness was a man who had practice, that is, he was the Gau organization leiter and therefore knew the organization in practice.

COMMISSIONER NEAVE: Have you any comments on this, Major Murray?

MAJOR MURRAY: Haven't other witnesses of the Leadership Corps testified to the same facts?

COMMISSIONER NEAVE: Substantially, I think they have.

MAJOR MURRAY: I should think that would be much better evidence than an affidavit. There seems to be no necessity for translating this affidavit.

DR. NATH: Other persons have not been interrogated on this question.

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There is just one more interrogation which has been written up and which also concerns itself with the Organization Book -- an affidavit by Heydrich.

COMMISSIONER NEAVE: What happened to Heydrich's affidavit? Has that been submitted?

DR. NATH: Yes I submitted it to the General Secretary's Office and asked that it be translated; the translation has been approved.

COMMISSIONER NEAVE: So that is going to be submitted before the Commission later on, is it?

DR. NATH: No.

COMMISSIONER NEAVE: Well what are you going to do with it?

DR. NATH: It has been accepted and submitted to the Commission. I introduced it during the interrogation of the witness.

COMMISSIONER NEAVE: Oh yes, I see. I don't see much purpose in translating all this. It does not say anything new at all.

DR. NATH: This witness, Foertsch, was a man employed within the organization office and shows the difference in practice and gives testimony also concerning the introduction of the household files which were not made in all of the Gaus. It gives, I might say, a general survey from his own practice.

COMMISSIONER NEAVE: Well I think the Commission will consider whether they will translate this. I am not sure about it at all. It is a general survey but then most of these affidavits are very general surveys. The only new point that is made is that the author of the organization book was a person who had not much regard for reality and therefore I would like to consider the question whether it should be fully translated.

DR. NATH: This man also shows clearly how the conditions were in reality, from his own experience, and compares these to the Organization Book and I am therefore of the opinion that the document is relevant and of importance.

COMMISSIONER NEAVE: I will bear in mind what you say before making a final decision. What we will do is admit the Affidavit as Corps of Political Leaders #13; the extract which you have read will remain in the record; and the Commission will decide whether it should be fully translated or not.

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H1035-0067

We haven't got much more time. Are there any more affidavits we can deal with this evening?

DR. NATH: I should like to have two more affidavits readinto the record and then summarize the rest as a whole and ask you to accept these affidavits as a group.

COMMISSIONER NEAVE: How long will the two be?

DR. NATH: The two I am going to read are very short.

COMMISSIONER NEAVE: All right, we will continue.

BY DR. NATH:

The next affidavit is made by an Ortsgruppenleiter concerning Block and Zellenleiter. This man is a lower grade judge in Parsberg. This witness testifies concerning the 13 points of the tasks of the Block and Zellenleiter. He testifies concerning the Organization Book and says that the Block Leiter had no sovereign powers at all.

COMMISSIONER NEAVE: Well I have no objection to that although I can't see that it is bringing up anything new. It may be said to support other evidence which has beenreceived here, from a diffent part of Germany.

DR. NATH: The difference is this. Up to now I have only submitted affidavits that Block and Zellenleiters themselves have made. This evidence is made by a superior of Block and Zellenleiters - by an Ortsgruppenleiter.

COMMISSIONER NEAVE: Yes but even if he is an Ortsgruppenleiter, which I have already noticed, he doesn't say anything different from the others.

DR. NATH: If the Defense succeeds in giving a uniform picture of all the Block and Zellenleiters, then I believe that our task has been fulfilled.

COMMISSIONER NEAVE: I quite agree but the point is, what passages are to be considered relevant and remain in the record. You are not being denied the right to quote evidence from different parts of Germany to build up the picture you suggest.

DR. NATH: Not a picture that I should like to make but that is formed of itself, from facts. I have already mentioned the contents of this document. The witness denies that the Block and Zellenleiter had sovereign powers and he also rejects the charge of the prosecution of the conspiracy.

COMMISSIONER NEAVE: Where is the reference to conspiracy? I didn't

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see that.

DR. NATH: Right at the beginning.

COMMISSIONER NEAVE: Is that paragraph 8 of the original?

DR. NATH: Yes, at the top of page 3. Also paragraphs 9 and 10.

COMMISSIONER NEAVE: All paragraph 8 says is "I did not know anything of a conspiracy in the sense that is used in the indictment."

DR. NATH: At the bottom of page 2 he says "But I do not only have to express myself negatively" and in paragraphs 9 and 10 he gives positive information.

COMMISSIONER NEAVE: Well do you want to read anything more.

DR. NATH: I believe it is sufficient if I characterized the tasks of the Block and Zellenleiter from the viewpoint of an Ortsgruppenleiter in this document.

COMMISSIONER NEAVE: Major Murray have you any objection to this? It does not lead us any further. The only thing one can say is that it has been said by a higher official.

MAJOR MURRAY: I have no objection.

COMMISSIONER NEAVE: That will be Corps of Political Leaders No. 14. Have you any more before we go?

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BY DR. NATH:

The affidavit of a Kreisleiter. This man was Kreisleiter from 1927 to 1945, first in Muertingen and then in Esslingen am Neckar. This witness testifies concerning Block and Zellenleiter from the viewpoint of a Kreisleiter and depicts conditions in his own Kreis. He says that it was difficult for the Ortsgruppenleiter to get the number of men required for these posts; further that the Block and Zellenleiter had no special rights but only a higher responsibility or duty towards other people. This witness also says that the Organization Book did not correspond to reality and was not able to change the position of the Block and Zellenleiter that had a long time previously grown up and strengthened itself. He said that they were assistants and servants for all tasks concerning themselves with population or peoples' welfare and that they were the burden bearers of party organization. The household files introduced

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by the Organization Office had become very quickly a dead stationery shop which was valueless and was not used. The Kreisleiter testifies that the activities of his Block and Zellenleiters had no criminal characteristics and explains this in detail.

COMMISSIONER NEAVE: I don't think we need to hear any more. That will be Corps of Political Leaders Affidavit No. 15.

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BY DR. NATH:

Now in summarizing I should like to have the following affidavits accepted from different parts of Germany and which are distinguished from one another concerning the relationships in the cities and the flat country.

COMMISSIONER NEAVE: They all relate to the functions of Block or Zellenleiter?

DR. NATH: Yes. The contents of these affidavits are essentially the same as I have already summarized, and especially those that I have asked to be translated fully.

COMMISSIONER NEAVE: I see. How many are there?

DR. NATH: There are 8.

COMMISSIONER NEAVE: I think, if the Prosecution doesn't object, that Dr. Nath should simply read the names and titles straight into the record, numbering them from 15 onwards.

MAJOR MURRAY: No objection.

BY DR. NATH:

Affidavit No. 16 is from a town in Northwestern Germany, Nordenham in Oldenburg. The witness, Arnold von Atens, was a Zellenleiter during the war.

Affidavit No. 17 -- Affidavit of a witness Ernst Riesebieter, Brake in Oldenburg. He was Blockleiter from 1943 on.

COMMISSIONER NEAVE: We will admit Affidavit No. 17 although it has not been properly sworn.

The next affidavit is given by Heinrich Knoke of Bremen, who was Blockleiter and Zellenleiter in Bremen, 1934 to 1939.

COMMISSIONER NEAVE: That will be No. 18.

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The next affidavit was given by Professor Heinrich Waltz of Hamburg. Professor Waltz was Blockleiter in Hamburg from 1934 to 1938 and Zellenleiter from 1938 to 1939.

COMMISSIONER NEAVE: He did not give evidence before the Commission, did he?

DR. NATH: No, I withdrew my witness.

COMMISSIONER NEAVE: That will be No. 19.

The next affidavit is by a witness who was Blockleiter in Berlin from the beginning of the war in 1939 to the end of 1943. His name is Arthur Schoene and at present a resident of Gaigereck, Upper Bavaria.

COMMISSIONER NEAVE: That will be No. 20.

The next affidavit I should like to submit is from Eisenach, Thuringia. Werner Bechstein was Blockleiter from 1936 to 1943 with just a short interruptio The witness gave his affidavit in the internment camp of Hammelburg. The affidavit was certified by the officer in charge of the internment camp; he in his turn had his signature certified by an allied officer and the name is contained in the list.

COMMISSIONER NEAVE: Yes. That will be No. 21.

The next affidavit is from Ortsgruppenleiter Heinrich Sibbel, resident in Seppenrade, Westphalia. He gives testimony concerning the tasks of Block and Zellenleiters as an Ortsgruppenleiter.

COMMISSIONER NEAVE: That is No. 22.

The last affidavit is given by Ferdinand Rose of Mainz, Blockleiter from 1942 on, who also gives testimony concerning the tasks and positions of the Block and Zellenleiter.

COMMISSIONER NEAVE: That will be No. 23.

DR. NATH: That completes the list.

COMMISSIONER NEAVE: Wasn't one of the affidavits withdrawn for some reason.

DR. NATH: That was No. 23 which I have resubmitted with the group of 8 affidavits.

COMMISSIONER NEAVE: Will you be introducing any more on behalf of Block and Zellenleiter?

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DR. NATH: No.

COMMISSIONER NEAVE: Tomorrow morning the Commission will continue with SS affidavits.

(The Commission adjourned until 17 July at 1000 hours.)

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The foregoing is a true and correct transcript of the submission of affidavits for the Corps of Political Leaders submitted by Dr. Nath on 16 July 1946.

ROSE W. COOK
Reporter

MABEL A. LESSER
Reporter

CERTIFIED TO:

A. M. S. NEAVE
Commissioner